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Office Supreme Court
SEP 30

No. 34881

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In the Supreme Court of the United States

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OCTOBER TERM, 1930.

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No. 63

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ABIE STATE BANK, *Appellant,*

vs.

ARTHUR J. WEAVER AS GOVERNOR OF THE STATE OF NEBRASKA; CLARENCE G. BLISS AS SECRETARY OF THE DEPARTMENT OF TRADE AND COMMERCE, *Appellees;*

WILLIS M. STEBBINS AS TREASURER OF THE STATE OF NEBRASKA, *Appellee;*

MARY E. GANDY, JAMES H. COVEY, THEODORE H. BUELT, HUFFMAN & SEYMOUR, INC. (A CORPORATION), LEONARD N. SEYMOUR, JOHN HALBUR AND FRANK N. HEBENSTREIT, *Appellees.*

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RESISTANCE TO MOTION OF INTERVENERS

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Cockle Printing Co., Law Briefs, Omaha

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The cross-petitions of the interveners were dismissed by the decree of the District Court (Tr. of Rec., Page 41), and there is no mention of the interveners in

the judgment of the Supreme Court nor in the opinion in said case. The interveners are depositors in banks which have failed. Their rights are not different from those of hundreds of similar depositors. The issues raised by them are the same as those presented by the defendant. The omission from the record of the petitions of intervention and supporting evidence accordingly was proper. The citation in usual form was served on each of the interveners (Orig. Tr. of Rec., Page 193). The praecipe for Transcript of Record was served on Attorney General Sorensen, Attorney for Willis Stebbins on February 13, 1930, and Mr. Campbell, Attorney for other interveners on February 14, 1930 (Tr. of Rec., Page 7), and statement of points to be relied upon and designation of parts of record to be printed was served March 13, 1930 (Tr. of Rec., Page 669). No objections were made by interveners or appellees to such omissions. At this late date they should not be heard to complain, as the brief of appellant is in the printer's hands.

WHEREFORE, the appellant respectfully asks that the motion for a writ of certiorari be overruled and suggestion of the diminution of the record be denied.

ABIE STATE BANK, ABIE NEBRASKA, *Appellant.*

By F. H. GAINES,

LEONARD A. FLANSBURG,

S. S. SIDNER,